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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,593	07/19/2000	Christian Lutz	1959/49027	5222

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

18

DATE MAILED: 06/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/600,593

Applicant(s)
Lutz

Examiner
Greg Binda

Art Unit
3679



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 16, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-56 is/are pending in the application.
- 4a) Of the above, claim(s) 22, 24, 26, 28, 31-35, and 51-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20, 21, 23, 25, 27, 29, 30, 36-50, and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jul 19, 2000 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3629

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restriction

2. Applicant's election without traverse of Species I (Figs. 1-3) in Paper No. 11 is acknowledged.
3. Claims 22, 24, 26, 28, 31-35 & 51-55 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 11.

Drawings

4. The drawings are objected to under 37 CFR 1.84(h)(5) because Figure 3 shows modified forms of construction in the same view. See "In the bottom half [of Fig. 3] another variant of the tumbler sleeve mounting is shown" on page 10, line 11.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Art Unit: 3629

Specification

5. The disclosure is objected to because in the amendment filed Apr 16, 2002 the amended paragraph at page 8 fails to include the changes made in an earlier amendment(s).

Claim Objections

6. Claims 42 & 47 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim Rejections - 35 U.S.C. § 112

7. Claims 41 & 45-50 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 41 & 45 recite the limitations, “the bushing is resiliently held by the socket” and “the bushing is resiliently disposed in the socket” respectively. There does not appear to be a written description of these limitations in the application as originally filed.

8. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

Art Unit: 3629

invention. Claim 25 recites the limitation "the plate springs" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 U.S.C. § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 38, 42 & 43 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. Claim 38 recites that the universal joint contains a homokinetic joint (i.e. a constant velocity joint), but the only joints shown or described within the double joint of Figs. 1-3 are non-constant velocity Cardan joints 4, 8, 9 & 6, 8, 9. Therefore the only homokinetic joint "contained" within "the universal joint" is the "steering shaft universal double joint" itself (herein referred to as "double joint"). However, the double joint in Figs. 1-3 is NOT constructed so as to provide a constant velocity joint.

Basically, in order for a double joint to be a constant velocity joint, it must be constructed so that the joint angle (see " θ " in Fig. 1 on page 99 of *Universal Joint and Driveshaft Design Manual*) of the double joint must be **equally divided** (see the third and fourth full paragraphs in the second column of page 100 and see " θ " in Fig. 3 on page 105 of *Universal Joint and Driveshaft Design Manual*). However, if the socket of the centering device of the double joint is

Art Unit: 3629

“pivotally mounted” (as recited in claims 20 & 44) then there is no way to ensure the joint angle is equally divided. Thus the claimed invention does not include an operable homokinetic joint.

11. Claims 20, 21, 23, 25, 27, 29, 30, 36-50 & 56 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The only practical utility of a double joint such as that claimed is a constant velocity joint (see third full paragraph in the second column of page 100 of *Universal Joint and Driveshaft Design Manual*). However, the claimed invention is not an operable constant velocity joint (see the rejection immediately above). Therefore the claimed invention lacks patentable utility.

Response to Arguments

12. Applicant's arguments with respect to claims 20, 21, 23, 25, 27, 29, 30 & 36-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 3629

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. AT 212947 shows a double joint with a centering device comprising a socket 3 that is axially biased (only the drawing sheets showing Figs. 1-4 are available).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Tuesday through Friday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 (before final), (703) 872-9327 (after final) and (703) 872-9325 (customer service).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Greg Binda
Patent Examiner